

## FIFTEENTH DAY

(Tuesday, February 10, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Holy Father, we thank Thee for a new day. Give us clear and clean minds, uncluttered by prejudice and pride, that we may serve Thee and the people of our great State acceptably. And when evening comes, and the busy world is hushed, may we live unashamed with the memories of the day. We pray in Christ's name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Reports of Standing Committees

Senator Hardeman submitted the following reports:

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 33, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 46, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 75, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 76, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 80, have had the same under consideration, and we are instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 116, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 45, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Willis submitted the following reports:

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 49, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 89, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Edu-

cation, to whom was referred S. B. No. 96, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Parkhouse submitted the following report:

Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Labor and Management Relations, to whom was referred S. B. No. 120, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
February 10, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 118, A bill to be entitled "An Act establishing the Nolan County Juvenile Board; and declaring an emergency."

H. B. No. 302, A bill to be entitled "An Act validating the organization and creation of County-wide hospital districts created or attempted to be created by authority of Chapter 266, Acts of the 53rd Legislature as amended by Chapter 257, Acts of the 54th Legislature, validating all acts of the Commissioners' Court of such counties in ordering an election or elections for the creation of such districts and in canvassing the returns and declaring the result thereof; validating such election or elections; providing that this Act shall apply only to such eligible hospital districts in which an election has been held and which resulted in the adoption of the statutory proposition for the creation of such district, the levying of the tax and the assumption of hospital bonds; providing that this act shall not apply to any district involved in litigation, if such litigation is ultimately determined against the

validity of the district; and declaring an emergency."

H. B. No. 119, A bill to be entitled "An Act creating the County Court at Law of Nolan County, Texas, and making other provisions relative thereto; repealing all laws in conflict; providing for severability; and declaring an emergency."

H. C. R. No. 26, Designating the week of May 12th as Texas Nurse Week.

H. B. No. 179, A bill to be entitled "An Act requiring the Commissioners Court of Tarrant County to submit the optional County Road Law to the vote of the people; and declaring an emergency."

H. B. No. 248, A bill to be entitled "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner to purchase and maintain a coupe automobile or a pick-up truck for use in each Commissioner's Precinct in connection with official business; providing the funds from which the cost of same shall be paid; and declaring an emergency."

H. B. No. 288, A bill to be entitled "An Act amending Article 1040, Code of Criminal Procedure of Texas, 1925, relating to the allowance to the sheriff for prisoners confined in jail or under guard; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 68

Senator Kazen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate a group of college students from the Republic of Chile; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Kazen by unanimous consent presented the students to the Members of the Senate.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 135, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire, construct, equip, and furnish additional buildings at The University of Texas Medical Branch at Galveston, Texas; prescribing the method of financing and limiting the amount to be expended; granting the consent for construction required under Article VII, Section 18 of the Constitution of Texas; repealing all laws or parts of laws to the extent of any conflict; and declaring an emergency."

To the Committee on Finance.

By Senator Lane:

S. B. No. 136, A bill to be entitled "An Act amending Article 1360, Revised Civil Statutes of Texas, 1925, by adding thereto a provision making it lawful for surplus lands to be conveyed to a corporation authorized to develop such lands and also providing that such lands shall be conveyed by any such acquiring corporation on or before the same time the conveying corporation otherwise would have had to convey the same; repealing all laws in conflict to the extent of such conflict only; containing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Phillips:

S. B. No. 137, A bill to be entitled "An Act validating the incorporation of all cities and towns of five thousand (5,000) inhabitants or less, heretofore incorporated or attempted to be incorporated under the general laws of Texas; validating the boundary lines thereof; validating governmental proceedings, providing that this act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hazlewood:

S. B. No. 138, A bill to be entitled "An Act ratifying, confirming and validating the designation of the boundary lines and the designation of the Dallam County Underground Water Conservation District No. 1 north of Canadian River in Texas, dated Dec. 22, 1950, and of the creation and establishment of the Dallam County Underground Water Conservation Dist. No. 1, prescribing the powers, functions, and limitations of such district, including power to levy taxes and issue bonds; providing the Act shall not be construed to affect any district or bond proceedings or bonds issued or to be issued in which there is pending litigation upon the effective date of the Act; containing a savings clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Smith:

S. B. No. 139, A bill to be entitled "An Act to amend Section 21 of Chapter 290, of the 41st Legislature, 1929, codified as Section 21, Article 2815h in Vernon's Texas Civil Statutes authorizing an Independent School District or Districts, a Common School District or Districts to be annexed to adjacent Junior College District for Junior College purposes only, severability clause, and declaring an emergency."

To the Committee on Education.

By Senator Crump:

S. B. No. 140, A bill to be entitled "An Act relating to the permissible terms of sale of real estate under proceedings during administration and guardianship as provided for in the Probate Code; amending Subsection (a) of Section 348 of the Texas Probate Code; and declaring an emergency."

To the Committee on Jurisprudence.

#### Senate Resolution 70

Senator Martin offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Fred Bunch and Mr. Hosea Rogers of Waxahachie, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the guests to the Members of the Senate.

#### Senate Bill 21 on Second Reading

Senator Reagan moved that Senate Rule 116 and the regular order of business and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 21 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 21, A bill to be entitled "An Act amending Section 1 of Chapter 509, Acts of the 47th Legislature, Regular Session, 1941, as last amended by Section 1 of Chapter 73, Acts of the 50th Legislature, Regular Session, 1947, so as to authorize the construction of causeways, bridges and tunnels in any county bordering on the Gulf of Mexico, which has a population of twenty thousand (20,000) or more; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 21 on Third Reading

Senator Reagan moved that the constitutional rule requiring bills to be

read on three several days be suspended and that S. B. No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—31**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**House Bills on First Reading**

The following bills received from the House today were read first time and referred to the committees indicated:

H. B. No. 288, To the Committee on State Affairs.

H. B. No. 118, To the Committee on State Affairs.

H. B. No. 119, To the Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 302, To the Committee on State Affairs.

H. B. No. 248, To the Committee on State Affairs.

H. B. No. 179, To the Committee on State Affairs.

**Senate Resolution 71**

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Seventh grade class of the Clear Creek Junior High School of Webster, Texas, accompanied by their teacher or sponsor, Mrs. Frances Adams and;

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the students and Mrs. Adams to the Members of the Senate.

**Adjournment**

On motion of Senator Hardeman the Senate at 10:58 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

**In Memory of**  
**Morgan Bryan**

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Senator Willis offered the following resolution:

(Senate Resolution 69)

Whereas, On the 26th day of January in the Year of our Lord, Nineteen Hundred Fifty-nine, Almighty God, in His Infinite Wisdom, did call to his Heavenly Rest, Morgan Bryan of Tarrant County, Texas; and

Whereas, Morgan Bryan was born August 31st, 1871, in Fannin County, Texas. He attended public schools in Sherman and Fannin Counties and graduated from Fannin College at Bonham in 1890; and

Whereas, Mr. Bryan passed the State Bar Examination in 1890. He loved the study of law and was successful in its practice and he was loved and respected by all his fellow lawyers. He was a member of the Tarrant County and the Texas State Bar Associations; and

Whereas, Mr. Bryan was a Life Member and Past Exalted Ruler of the Fort Worth Elks Lodge, which he helped found; and

Whereas, Morgan Bryan is survived by his daughter, Mrs. John Galbreath of Galloway, Ohio; his sister, Mrs. Annette Bryan Smith of Fort Worth; and two brothers, Dabney Bryan of Fort Worth and Rev. Gid. J. Bryan of Dallas; now therefore, be it

Resolved, That the Senate of Texas do hereby express its sincere sympathy to the family of Morgan Bryan and that copies of this resolution be forwarded to them under the seal of the Senate of Texas; and be it further

Resolved, That a page of the Senate Journal be set aside as a memorial to Morgan Bryan and that when the Senate of Texas adjourns today it do so in his honor and memory.

The resolution was read and was adopted by a rising vote of the Senate.